

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:08CR164
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
)	
JASON R. PUTNEY,)	
)	
Defendant.)	

This matter is before the Court on the Report and Recommendation (Filing No. 24) issued by Magistrate Judge Thomas D. Thalken recommending denial of the Defendant's motion to dismiss (Filing No. 10). No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3(a).

The Defendant seeks an order dismissing the Indictment, arguing that Counts I and II of the Indictment are multiplicitous.¹ Judge Thalken determined that the Counts are not duplicitous or multiplicitous

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3, the Court has conducted a de novo review of the record. Because Judge Thalken fully, carefully, and correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 24) is adopted in its entirety; and

¹Although the Defendant phrased the issue as one of duplicity in the motion, defense counsel conceded at the hearing that the issue is actually whether the counts are multiplicitous. (Filing No. 28 (Tr.), at 5.)

2. The Defendant's motion to dismiss (Filing No. 10) is denied.

DATED this 25th day of August, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge